

Open questions - Part 2

Question 1

1. The applicant should file a demand (PCT/IPEA/401, Art 34 PCT, request international preliminary examination) including the arguments and pay the fee for preliminary examination and handling fee to the EPO.

File a translation of the application into one of the EPO official languages (The international application was filed in Spanish, which is also a publication language, but it is not a language accepted by the EPO as IPEA). The demand must be filed in the language of the translation.

The demand must be filed prior to the expiration of the following time limits, whichever expires later:

- (i) three months from the date of transmittal to the ISR: 07 Jan 2026
- (ii) 22 months from the priority date: 02 Jan 2026

i.e. by **7 January 2026**.

2. As the EPO was not the ISA, the WO-ISA is not considered as the first written opinion for the procedure under Chapter II PCT.

The applicant will get two written opinions or a 1st written opinion and a telephone consultation before a negative IPER is issued.

Question 2

1. The applicant has to:

- File with Online Filing 2.0 EPO Form 1200 (or request examination/ submit a letter requesting the entry into the European phase attaching it to EPO Form 1038) by Wednesday **29 October 2025**.
- Indicate their intention to pay the extension/validation fees for all states. Choose automatic debit order for all fees and provide details of the applicant's EPO Deposit Account (number and name) so that relevant fees will be deducted from the account.

The following fees will be debited:

- Filing Fee including additional filing fee for the 36th and each subsequent page
- Designation fee and examination fee
- Extension fee for BA
- Validation fee for MA MD TN KH GE

Additional claims fees are not due yet, no search fee due as the EPO was the international search authority.

2. Further processing must be requested by payment of the prescribed fee.

It will be automatically debited. The omitted act must be completed: response to the written opinion or IPRP including the amended set of claims.

By Monday 27 July 2026 (non-extendable period of 2 months: Sunday 26 July 2026, next open day: Monday 27 July 2026).

Since the number of claims has been reduced from 88 to 22, only 7 additional claims fees are due, therefore 64 claim fees will be refunded.

Question 3

1. Notify the appointment of a professional representative to the EPO.
2. File the micro-entity declaration. Pay the examination and designation fees.

No search fee for the second invention is to be paid.

Once the examination phase has started the applicant has to reply to the written opinion and restrict the claims to the first invention. To avoid additional cost the reply has to be filed within six months from the date of publication of the search report.

3. Request the registration of the transfer of rights with MyEPO (no fee due).

File a PACE request.

The fee reduction will not apply anymore as the new applicant is not eligible for micro-entity-related support under Rule 7a (3) EPC. (No request is to be filed; the EPO will update the applicant's status)

Question 4

1. The supplementary search will not start immediately because a translation of the claims as originally filed included in the international publication and a translation of the abstract are missing. Additionally, the applicant has not waived the communication pursuant to Rules 161(1) and 162(2) EPC.

A professional representative must be appointed.

2. A communication will be issued requesting the translation of the original claims and the abstract as filed within a time limit of two months.

If the applicant does not reply, the application will be deemed to be withdrawn.

Question 5

1. After the transfer from C to D has been recorded, D has to confirm the request for unitary effect.
2. Compensation request will be accepted because D is entitled as SME in an EU member state. Additionally, the original applicant, B, is entitled as is a natural person residing in an EU member state.

3. The next renewal fee will be for the third year, for the unitary patent.

It can be paid at the earliest: 22 October 2025, as it cannot be paid before the unitary effect has been registered.

Without surcharge: 22 October 2025 + three months: 22 January 2026

With surcharge: due date 31 October 2025 + six months: 30 April 2026

Question 6

1. To obtain a search on invention Y the applicant has to file a response to the partial search report requesting an additional search and detailing which set of claims are to be searched (claims for invention Y: 2-4 and 10).

4 October 2024 + two months: 4 December 2024 (Wednesday).

Payment of one further search fee (fee code 002 Amount EUR 1520).

2. To get a search for invention Z the only route available is to file a divisional application.

3. 19 February 2025 + six months: 19 August 2025 (Tuesday).

4. If the time limit is missed the application will be deemed withdrawn. [\[OE\]](#)

Further processing is available: reply to the ESOP and pay the flat fee for further processing.

Pay the examination fee and 50% of the missed examination and pay the designation fee and 50% of the missed designation fee.